

**REMARKS**

Claims 1-27 are currently pending in the application. In reply to a previous restriction/election requirement, in order to comply with the requirements for a responsive reply, Applicants had provisionally elected group I (claims 1-12) for prosecution on the merits if no generic claim is finally held to be allowable. In the present Action the Examiner mischaracterizes the Applicants' previous reply by asserting that Applicants have elected with traverse these claims. This is not correct. Applicants elected these claims provisionally, and the Examiner has the duty to fully respond the Applicants' detailed arguments for the continued prosecution of all claims on the merits before making the restrictions requirement final (which the Examiner has failed to do in the present Action). Applicants thus traverse the Examiner's withdrawal of claims 13-27 and respectfully request the Examiner to reinstate these claims in the application, and further to examine these claims on their merits or alternatively to provide a cogent response to Applicants' previous arguments.

**Rejection under 35 U.S.C §101**

Claims 8-12 stand rejected under 35 U.S.C. 101 because the claimed invention is not tangibly embodied. Applicants have amended claim 8 to further recite a computing platform, and submit that claims 8-12 are now patentable.

**Rejection under 35 U.S.C §112**

Claims 8-12 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner finds that no part of an apparatus is actually claimed. As stated above, Applicants have amended claim 8 to further recite a computing platform, and submit that claims 8-12 are now patentable.

Rejection under 35 U.S.C §102

Claims 1-5, 7-10 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,757,830 to Tarbutton. In particular, the Examiner finds that, with regard to claim 1, Tarbutton discloses storing an e-mail in a compartment in dirty mail store 16, and a compartmented operating system in AV sys. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference.

The Examiner's attention is directed to Applicants' specification, particularly page 5, line 21 through page 6, line 13, wherein the meaning of "compartmented operating system" is clearly and unequivocally defined. The "AV sys" of Tarbutton is very summarily described as "an anti-virus system" with absolutely no further detail. The description of "dirty mail store 16" is similarly lacking. There is absolutely nothing in Tarbutton that a skilled person could possibly interpret as teaching the use of a compartmented operating system that, *inter alia*, uses a containment mechanism enforced by a kernel of the operating system with mandatory access controls to resources of the computing platform (please see Applicants' specification at p. 6, ll. 1-4). While it is true that limitations are not to be imported from the specification into the claims, it is equally true that claim language is read in light of the specification. Furthermore, there is nothing in Tarbutton that could be interpreted as being akin to a compartmented operating system. The very word "compartment" or any of its synonyms is simply not found in Tarbutton.

Applicants thus submit that Tarbutton does not in fact teach the use of a compartment in a compartmented operating system for any purpose, including the storing of an e-mail, and respectfully submit that claim 1 is in fact patentable over Tarbutton. Should the Examiner disagree, Applicants respectfully request him to clearly and specifically point out where Tarbutton discloses this feature in accordance with 37 C.F.R. 1.104(c)2.

Claims 2-7 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2-7 are also allowable and are not further individually addressed herein.

Claim 8 is a method claim that corresponds to apparatus claim 1, and Applicants thus submit that the above discussion is equally relevant to the patentability of claim 8 over Tarbotton. Thus, Applicants respectfully submit that claim 8 is also patentable over Tarbotton.

Claims 9-12 depend from claim 8, and for this reason it is submitted that these claims are also allowable and are therefore not further individually addressed herein.

Claim 13-27 have not been addressed by the Examiner. However, Applicants note that all of these claims recite, similar to claims 1 and 8, compartments of compartmented operating systems, and thus in light of the above, Applicants submit that these claims are also allowable over Tarbotton.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue with all 27 originally filed claims.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

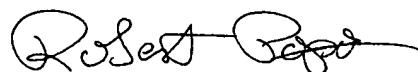
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 1, 2005  
(Date of Transmission)

Susan Papp  
(Name of Person Transmitting)

*Susan Papp*  
(Signature)  
06/01/05  
(Date)

Respectfully submitted,



---

Robert Popa  
Attorney for Applicants  
Reg. No. 43,010  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300 voice  
(323) 934-0202 facsimile  
rpopa@ladasperry.com